UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,015	09/05/2003	Dianne Smith Phillips	G&C 30566.254-US-U1	8148

55895	7590	07/28/2006

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 6, 8, 13, 15, and 20 are rejected under 35 U.S.C. 102(b) as being

anticipated by Clevenger et al.

(http://www.daz3d.com/program/bryce/Bryce5_Manual_DAZ.pdf).

As to independent claim 1, Clevenger teaches a method for displaying a

graphical illustration of an object in a computer graphics program (PDF page 129,

column 1, paragraph 5), Comprising: obtaining an object in a computer graphics

program (PDF pg. 129, col. 1, par. 6); displaying a properties palette for the object (PDF

pg. 130, Figure 1, col. 1), wherein the properties palette comprises one or more object

properties having corresponding property values (PDF pg. 131, col. 1, par. last and col.

2 par. 1-2); displaying a graphical illustration of the object in the properties palette (PDF

pg. 130, Figure 1).

As to independent claim 8, Clevenger teaches an apparatus for displaying a

graphical illustration of an object in a computer graphics program of a computer system

(PDF pg. 12, col.1) comprising: (a) a computer having a memory (PDF pg. 12, col.1 and

PDF pg. 126, par. 5); (b) an application executing on the computer (PDF pg. 12, col.1

and PDF pg. 126, par. 5), wherein the application is configured to: (i) obtain an object in

a computer graphics program (PDF pg. 129, col. 1, par. 6); (ii) display a properties

palette for the object (PDF pg. 130, Figure 1, col. 1), wherein the properties palette

comprises one or more object properties having corresponding property values (PDF

pg. 131, col. 1, par. last and col. 2 par. 1-2); (iii) display a graphical illustration of the

object in the properties palette (PDF pg. 130, Figure 1).

As to independent claim 15, Clevenger teaches an article of manufacture

comprising a program storage medium readable by a computer and embodying one or

more instructions executable by the computer to perform a method for displaying a

graphical illustration of an object in an object-oriented computer graphics system (PDF

pg. 12, col. 1), the apparatus comprising: means for obtaining an object in a computer

graphics program (PDF pg. 129, col. 1, par. 6); means for displaying a properties palette

for the object (PDF pg. 130, Figure 1, col. 1), wherein the properties palette comprises

one or more object properties having corresponding property values (PDF pg. 131, col.

1, par. last and col. 2 par. 1-2), means for displaying a graphical illustration of the object

in the properties palette (PDF pg. 130, Figure 1).

As to dependent claim 6, Clevenger teaches the method of claim 1, further comprising changing the view of the object displayed in the graphical illustration using a shortcut menu (PDF pg. 130, col. 2, par. 2 and PDF pg. 131, col. 1, par. 3).

Dependent claim 13 and 20 differ from independent claim 8 and 15 and dependent claim 6 only in that dependent claim 13 and 20 are method claims whereas, independent claim 8 and 15 and dependent claim 6 are apparatus claims. Thus, dependent claim 13 and 20 are analyzed as previously discussed with respect to independent claim 8 and 15 and dependent claim 6 above.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2-5, 9-12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clevenger et al. in view of Parametric Technology Corporation et al. (PTC herein). (http://www.ptc.com/company/mail/express200202/download_guide.htm)

As to dependent claim 2, Clevenger teaches of a graphics program that has object properties displayed to the user (PDF pg. 130, Figure 1). Clevenger fails to teach

the object properties are keynoted in the palette to refer to corresponding keynotes

displayed in the graphical illustration. PTC teaches objects displayed in the illustration

are keynoted to refer to the keynotes in a table identifying the objects (PDF pg. 172, Fig.

1). Therefore it would have been obvious to one of ordinary skill in the art at the time of

the invention to combine PTC's keynoted objects that refer to the keynoted table into

Clevenger's object properties palette. PTC teaches during the drawing stage, the

dimensions that show on the plot are derived from the 3D model dimensions, and

remain dynamically linked to the source 3d Files (PDF pg. 20, par. last).

Dependent claim 9 and 16 differ from independent claim 8 and 15 and dependent

claim 2 only in that dependent claim 9 and 16 are method claims whereas, independent

claim 8 and 15 and dependent claim 2 are apparatus claims. Thus, dependent claim 9

and 16 are analyzed as previously discussed with respect to independent claim 8 and

15 and dependent claim 2 above.

As to dependent claim 3, note the discussion of Clevenger and Clevenger in view

of PTC above. PTC teaches highlighting the keynote displayed in the graphical

illustration when the cursor is passes over the corresponding object property (PDF pg.

34, par. 1)

Dependent claim 10 and 17 differ from independent claim 8 and 15 and

dependent claim 3 only in that dependent claim 10 and 17 are method claims whereas,

independent claim 8 and 15 and dependent claim 3 are apparatus claims. Thus,

dependent claim 10 and 17 are analyzed as previously discussed with respect to

independent claim 8 and 15 and dependent claim 3 above.

As to dependent claim 4, note the discussions of Clevenger and PTC above.

PTC teaches highlighting one or more keynoted object properties when the cursor is

passed over the corresponding keynote or property displayed in the graphical illustration

(PDF pg. 26, par. 1 and PDF pg. 153, par. last).

Dependent claim 11 and 18 differ from independent claim 8 and 15 and

dependent claim 4 only in that dependent claim 11 and 18 are method claims whereas,

independent claim 8 and 15 and dependent claim 4 are apparatus claims. Thus,

dependent claim 11 and 18 are analyzed as previously discussed with respect to

independent claim 8 and 15 and dependent claim 4 above.

As to dependent claim 5, note the discussion of Clevenger and PTC above.

Clevenger fails to teach the ability to toggle visibility of the graphical object using a

button. PTC teaches toggling the visibility of the illustration using a show/hide illustration

button (PDF pg. 145, par 3, Num 2 and PDF pg. 148, par 2, Num. 1). Therefore it would

have been obvious to one of ordinary skill in the art at the time of the invention to have

combine PTC's embodiment of hiding and unhiding a graphical objects into Clevenger's

graphical editing program as modified by PTC. PTC teaches selections on the object

illustration are easier to make (PDF pg. 144, par. 2).

Dependent claim 12 and 19 differ from independent claim 8 and 15 and

dependent claim 5 only in that dependent claim 12 and 19 are method claims whereas,

independent claim 8 and 15 and dependent claim 5 are apparatus claims. Thus,

dependent claim 12 and 19 are analyzed as previously discussed with respect to

independent claim 8 and 15 and dependent claim 5 above.

5.   Claims 7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Clevenger et al. in view of SkySof Software (CAD.OCX 1;

http://www.download.com/CAD-OCX/3000-6677_4-1400022.html?tag=lst-2-1)

As to dependent claim 7, note the discussion of Clevenger. Clevenger teaches a

graphic editing program, where the user is presented with an illustration of a graphical

object to which the user can modify freely. Clevenger fails to teach the graphic

illustration is being presented with an ActiveX component/control/application when the

user is editing the object within the edit palette. SkySof teaches wherein the graphical

illustration is enabled by an ActiveX application (par.1, software description). Therefore

it would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the ActiveX control to draw/render 3D objects into the graphic editing

program of Clevenger. A control for handling user request in AutoCAD (par. 1)

Dependent claim 14 and 21 differ from independent claim 8 and 15 and

dependent claim 7 only in that dependent claim 14 and 21 are method claims whereas,

independent claim 8 and 15 and dependent claim 7 are apparatus claims. Thus,

dependent claim 14 and 21 are analyzed as previously discussed with respect to

independent claim 8 and 15 and dependent claim 7 above.

Conclusion

- http://www.sulaco.co.za/opengl_project_OpenGL_ActiveX.htm - use of an ActiveX control in use with OpenGL to display 3D objects in a browser.
- Battat et al. (US 5,958,012) – Editing graphical objects in an edit palette.
- http://www.datacad.com/news/press_releses/datacad_9_rel.htm - application for editing graphical illustrations of objects.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas M. Augustine whose telephone number is 571-272-1056. The examiner can normally be reached on Monday - Thursday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Art Unit: 2179
July 12, 2006

N.Augustine
July 12,2006

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER